

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

<p>MICHAEL MCKENZIE, individually and doing business as AMERICAN IMAGE ART, an unincorporated dba,</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">v.</p> <p>JAMES W. BRANNAN, as personal representative of THE ESTATE OF ROBERT INDIANA, and AARON M. FREY, only in his official capacity as Attorney General of the State of Maine,</p> <p style="text-align:center">Defendants.</p>	<p style="text-align:center">CIVIL NO. 2:20-cv-00262-NT</p>
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JOINT MOTION TO EXTEND DISCOVERY AND TRIAL BRIEF DEADLINES

Plaintiff Michael McKenzie, joined by James W. Brannan as personal representative of the Estate of Robert Indiana, and Aaron M. Frey, in his official capacity as Attorney General of the State of Maine, through undersigned counsel, jointly move to extend the discovery deadline to **June 10, 2022** and trial brief deadline to **June 20, 2022** on the following grounds:

1. This is the third joint request to extend the discovery deadline and not made to cause undue delay.
2. This initial discovery deadline was March 9, 2022 (ECF 87). A jointly sought (ECF 95) five-day extension to accommodate deposition scheduling of non-party Lawrence Sterrs was then granted to reset the deadline to March 14, 2022 (ECF 96). The parties then sought (ECF 97) and were granted a second extension until April 4, 2022 (ECF 98) to continue document production and attempt to resolve discovery disputes and complete depositions.

3. The parties jointly seek one more extension for discovery. All parties and non-party Star of Hope have produced documents but production is ongoing and the parties are still engaged in resolving discovery disputes in an effort to avoid motion practice.

Additionally, the parties are using this time to engage in settlement discussions before incurring the time and expense of taking depositions.
4. The parties have agreed upon and set the following dates for depositions, if this extension is granted: Lawrence Sterrs (of the Star of Hope) on May 12, 2022; James Brannan on May 17, 2022; Michael McKenzie on May 20, 2022. The deposition of Simon Salama-Caro will be set in May 2022 as well on a mutually convenient date for this non-party witness and counsel.
5. Therefore, the parties jointly move to extend the discovery deadline to **June 10, 2022** and reset the deadline for the filing of trial briefs to **June 20, 2022**.

Date: March 30, 2022

/s/ John J.E. Markham, II

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Respectfully submitted,

/s/ Linda Conti,

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CERTIFICATE OF SERVICE

I, Bridget A. Zerner, do hereby certify that on March 30, 2022, I served a copy of the foregoing on all counsel of record via the CM/ECF filing system.

/s/ Bridget A. Zerner
Bridget A. Zerner